

Supplemental Information for the 2024 Stewardship and Oversight Agreement on Project Assumption and Program Oversight By and Between FHWA and NCDOT

PROJECT ACTION RESPONSIBILITY MATRIX

Item Number	ACTION	AGENCY RESPONSIBLE			NOTES	Guidance/Procedure LINKs	Reference LINKS	Reference LINKS	Reference LINKS	Contact	NOTES
		PROJECTS ON THE NHS	PROJECTS OFF THE NHS	RESPONSIBLE PARTY IN NCDOT DIVISION							
	GENERAL NOTES										
	FHWA Delegation of Authority				Section 106 of Title 23, United States Code, requires the FHWA and NCDOT to enter into an agreement documenting the extent to which the NCDOT assumes the responsibilities of the FHWA under Title 23		23 U.S.C. 106(h)	Federal Stewardship and Oversight		N/A	
	Stewardship and Oversight Agreement				2017 FHWA/NCDOT Stewardship and Oversight Agreement		Stewardship and Oversight Agreement between FHWA and NC			N/A	
	Federal-aid Guidance				The Federal-aid Essentials for Local Public Agencies contains over 100 videos that answer questions for both state and local federal transportation funding		Federal-aid Essentials for Local Public Agencies			N/A	
	FINANCIAL MANAGMENT (All phases)										
1	Review and accept financial plan annual updates for Federal Major Projects [23 U.S.C. 106(h)]	FHWA	FHWA	Technical Services Division						Technical Services Director / Manager of the Project Management Unit	Note that in the past, this could not be assumed by the State, now have the option. Was split into 2 items from old S&OA. NCDOT needs to have a process IF there is ever a project off the NHS.
2	Review and accept initial financial plan for Federal Major Projects [23 U.S.C. 106(h)]	FHWA	FHWA	Technical Services Division	Major project requirements		23 U.S.C. 106(h)			Technical Services Director / Manager of the Project Management Unit	Note that in the past, this could not be assumed by the State, now have the option.
3	Obligate funds/authorize Federal-aid project agreement (including advance construction authorization and conversion), modifications, and project closures (project authorizations) [23 U.S.C. 106(a)(2); 23 CFR 630.106, 630.703, 630.709]	FHWA	FHWA	Division of Planning and Programming	The "Funding Federal-Aid Highways" manual is a key source of information about federal funding terms and requirements		Funding Federal-aid Highways			Director of the Division of Planning and Programming	
4	Authorize to advertise for bids when all preconditions are met [23 CFR 635.112(a), 635.309]	STATE	STATE	Contract Standards / Division	The FHWA's policies for advertising for construction bids provide for authorization by the FHWA Division Administrator prior to advertisement, minimum advertising periods, prior approval of major addenda, and required use of non-collusion provisions and other requirements to ensure fair, open	Division Let Guidance	23 CFR 635	Construction Program Guide - Advertising for Bids	CSDU POLICY AND PROCEDURE S	State Contract Officer	
5	Approve reimbursements including authorizing current bil (23 U.S.C. 121)	FHWA	FHWA	Division of Planning and Programming	The "Funding Federal-Aid Highways" manual is a key source of information about federal funding terms and requirements		Funding Federal-aid Highways			Director of the Division of Planning and Programming	

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		PROJECTS ON THE NHS	PROJECTS OFF THE NHS								
6	Approval of reimbursement for bond-issue projects [23 U.S.C. 122, 23 CFR 140(f)]	FHWA	FHWA	Division of Planning and Programming	An SHA that uses the proceeds of bonds issued by the State, a county, city or other political subdivision of the State, for the construction of projects on the Federal-aid primary or Interstate system, or extensions of any of the Federal-aid highway systems in urban areas, or for substitute highway projects approved under 23 U.S.C. 103(e)(4), may claim payment of any portion of such sums apportioned to it for expenditures on such system to aid in the retirement of the principal of bonds at their maturities, to the extent that the proceeds of bonds have actually been expended in the construction of projects.					Director of the Division of Planning and Programming	NEW

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ENVIRONMENT (All phases)											
7	EA/FONSI, EIS/ROD, 4(f), 106, 6(f) and other approval actions required by Federal environmental laws and regulations. (Note: The FHWA may assign these NEPA actions and other environmental responsibilities to a State DOT as provided by 23 U.S.C. 327)	FHWA	FHWA	EPU	The National Environmental Policy Act (NEPA) requires federal agencies to consider the potential environmental consequences of their proposals, document the analysis, and make this information available to the public for comment prior to implementation.	NEPA/SEPA Guidance	Environmental Review Toolkit			Environmental Policy Unit Head	
8	Categorical Exclusion approval actions (Note: The FHWA may assign this action and other FHWA environmental responsibilities to a State DOT as provided by 23 U.S.C. 326 or 327. The FHWA also may administratively delegate responsibility for categorical exclusion determinations to a State DOT through a programmatic agreement pursuant to Section 1318(d) of MAP-21 and implementing regulations in 23 CFR 771.117(g))	FHWA	FHWA	EPU	The FHWA-NC Division has an established programmatic agreement with the NCDOT for Categorical Exclusions	NEPA/SEPA Guidance	CE Agreement			Environmental Policy Unit Head	
PRELIMINARY DESIGN											
9	Approval before utilizing a consultant to act in a management support role for the contracting agency [23 CFR 172.7(b)(5)(i)]	FHWA	FHWA	PSMU	When FAHP funds participate in a consultant services contract, the contracting agency shall receive approval from FHWA, or the recipient as appropriate, before utilizing a consultant to act in a management support role for the contracting agency; unless an alternate approval procedure has been approved.	PSMU	23 CFR 172.7(b)(5)			State Professional Services Engineer	
10	Approval of noncompetitive procurement method for engineering and design-related services [23 CFR 172.7(a)(3)]	STATE	STATE	PSMU	Noncompetitive procurement (as specified in 23 CFR 172.7(a)(3)) involves the procurement of engineering and design related services when it is not feasible to award the contract using competitive negotiation or small purchase procurement methods. Noncompetitive procurement may only be used under limited circumstances and should be addressed within the State's written policies and procedures as specified in 23 CFR 172.5(c)(7) and approved by FHWA.	PSMU	23 CFR 172			State Professional Services Engineer	

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11	Approve exceptions to design standards [23 CFR 625.3(f)]	STATE	N/A	Roadway Design Unit Head manages (TS Director and Division Engineers approve)	NCDOT may assume FHWA's approval to issue design exceptions on the National Highway System & Interstate System for designs which do not conform to the minimum criteria as set forth in the standards, policies, and standard specifications for: (i) Experimental features on projects; and (ii) Projects where conditions warrant that exceptions be made. NCDOT must document its due consideration given to all project conditions such as maximum service and safety benefits for the dollar invested, compatibility with adjacent sections for roadway and the probable time before reconstruction of the section due to increased traffic or changed conditions. NCDOT must provide the	See Chapter 17 of the RDM (the signatories on the request from have changed and the examples will be updated in May 2024). https://connect.ncdot.gov/projects/Roadway/pages/RDM.aspx	23 CFR 625.3(f)			State Roadway Design Engineer	
12	Airport highway clearance coordination and respective public interest finding (if required) [23 CFR 620.104]	STATE	STATE	Project Manager and Aviation Division	A finding of public interest by FHWA will be based on compliance with airway-highway clearances which conform to FAA standards for aeronautical safety.	Most recent: https://connect.ncdot.gov/municipalities/State-Airport-Aid/Documents/2021_07_07%20FAA%207460%20Guidance.pdf	23 CFR 620.104	Vertical Clearances - Highway Development and Coordination with Other Agencies		Technical Services Director / Manager of the Project Management Unit / Aviation Director	
13	Approve Project Management Plan for Federal Major Projects [23 USC 106(h)]	FHWA	FHWA	Project Managers	As described in 23 U.S.C. 106(h), the recipient of Federal financial assistance for a title 23 project with a minimum estimated total cost of \$500 million or a project that has been otherwise identified by the Secretary as a major project, must submit a project management plan to the Secretary. The purpose of the project management plan is to document the project management team roles and responsibilities; and the processes and procedures used to ensure the project will be delivered consistent with the scope, budget, schedule and		23 U.S.C. 106(h)	Project Management Plan Guidance for Major Projects		Technical Services Director / Manager of the Project Management Unit	Can now be taken on by the state off the NHS.
14	Approval of Interstate System Access Change [23 USC 111]	FHWA	N/A	TMSD	FHWA is required to approve all new access or changes in access points pursuant to 23 U.S.C. 111		23 USC 111	INTERSTATE SYSTEM ACCESS INFORMATIONAL GUIDE		State Traffic Engineer	
15	Determine the engineering and operational acceptability of points of ingress or egress with the Interstate System (justification reports) for new freeway-freeway interchanges (system), modification of freeway-freeway interchanges, and new partial interchanges or new ramps to/from continuous frontage roads that create a partial interchange [23 U.S.C. 111(e)]	FHWA	N/A	TMSD	State will not add any point of access w/o approval of the Secretary of USDOT		23 USC 111	INTERSTATE SYSTEM ACCESS INFORMATIONAL GUIDE		State Traffic Engineer	Original was split into 2. Total rewording

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16	Determine the engineering and operational acceptability of points of ingress or egress with the Interstate System (justification reports) for new and modified freeway-to-crossroad (service) interchanges, and completion of basic movements at existing partial interchanges [23 U.S.C. 111(e)]	FHWA	N/A	TMSD	State will not add any point of access w/o approval of the Secretary of USDOT					State Traffic Engineer	NEW
17	Approve innovative and Public-Private Partnership projects in accordance with TE-045, SEP-14, SEP-15, or SEP-16 [23 U.S.C.502(b)]	FHWA	FHWA	Chief Engineer	Oversight Agreement for P3 Projects requires FHWA approval for Special Experimental Projects SEP-15 Applications and Early Development Agreements (EDA).		23 USC 502(a)	FHWA - SPECIAL EXPERIMENTAL PROJECT 14 IMPLEMENTATION	FHWA - SPECIAL EXPERIMENTAL PROJECT 15 IMPLEMENTATION	Chief Engineer	
18	Approve any betterment to be incorporated into the project and for which emergency relief funding is requested (23 U.S.C. 125, 23 CFR 668.109)	FHWA	FHWA		The eligibility of all work is contingent upon approval by the FHWA Division Administrator of an application for ER and inclusion of the work in an approved program of projects. May be for repair to or reconstruction of seriously damaged highway elements as necessary to restore the facility to pre-disaster conditions. Betterments only where clearly economically justified to prevent future recurring damage.					Chief Engineer / Director of Highway Operations	NEW
19	Prior written approval of the Federal awarding agency for the direct charge of up-front acquisition cost of equipment (2 CFR 200.439)	FHWA	FHWA		Capital expenditures for general purpose equipment are unallowable as direct charges, except with the prior written approval of the FHWA.					Chief Engineer / Director of Highway Operations	NEW
FINAL DESIGN											
20	Approve retaining right-of-way encroachments [23CFR 1.23(b), 1.23(c)]	STATE	STATE		The NCDOT shall be responsible for preserving right of way (real property and air space), free of all public and private installations, facilities or encroachments unless approved.	NCDOT Encroachment Submissions User Guide	https://www.ecfr.gov/current/title-23/chapter-I/subchapter-A/part-1/section-1.23	NCDOT Right of Way Manual		Right of Way Unit Manager / State Utilities Manager	NEW.
21	Approve use of publicly owned equipment [23 CFR 635.411]	STATE	STATE	Chief Engineer's Office	State Departments of Transportation (State DOTs) shall have the autonomy to determine culvert and storm sewer material types to be included in the construction of a project on a Federal-aid highway.		23 CFR 635.411			Director of Highway Operations / State Maintenance Engineer	
22	Concur in use of publicly furnished materials [23 CFR 635.407]	STATE	STATE	Chief Engineer's Office	When the State transportation department or another public agency owns or has control over the source of a local natural material...Such cases should be fully documented and receive advance approval by the FHWA Division Administrator.	Division Let Guidance	23 CFR 635.407			Director of Highway Operations / State Maintenance Engineer	

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23	Approve use of more costly signing, pavement marking and signal materials (or equipment) is in the public interest [23 CFR 655.606]	STATE	STATE		Per the CFR: The use of signing, pavement marking, and signal materials (or equipment) having distinctive performance characteristics, but costing more than other materials (or equipment) commonly used may be approved by the FHWA Division Administrator when the specific use proposed is considered to be in the public interest.					State Traffic Engineer	NEW. Projects on the NHS can be State or FHWA
24	Exception to designation of Interstate project as significant for work zones [23 CFR 630.1010(d)]	STATE	N/A		For significant projects that have a great impact on traffic, a traffic operation (TO) component of the TMP shall be included to mitigate the impacts of the work zone. If NCDOT decides a project does not sustain work zone impacts, NCDOT may request an exception to a TO by FHWA based on the ability to show that the specific Interstate system project do not have sustained work zone impacts.					State Traffic Engineer	NEW. Projects on the NHS can be State or FHWA
25	Determination that a United States Coast Guard Permit is not required for bridge construction [23 CFR 650.805, 650.807, 23 U.S.C. 144(c)]	FHWA	FHWA	EAU						Environmental Analysis Unit Head	NEW
REALTY											
26	Completion of ROW clearance, utility, and railroad work concurrently with construction: Make feasibility/practicability determination for allowing authorization to advertise for bids or to proceed with force account construction prior to completion of ROW clearance, utility and railroad work [23 CFR 635.2004(a)]	STATE	STATE	ROW	The NCDOT may initiate acquisition of real property at any time it has the legal authority to do so based on program or project considerations.	ROW Field Certification	23 CFR 635.309	Right-of-way Clearance, Utility, and Railroad Coordination	Division Let Guidance	Right of Way Unit Manager / State Utilities Manager / Rail Division Director	
27	Approve non-highway use and occupancy of real property interests [23 CFR 1.23(c), 710.405]	FHWA	STATE	ROW	This approval is to ensure that temporary or permanent use of real property acquired for the Interstate system will not impair the Interstate or interfere with the free and safe flow of traffic.	https://connect.ncdot.gov/municipalities/Utilities/Pages/UtilitiesManuals.aspx	23 CFR 710.405	https://connect.ncdot.gov/municipalities/Utilities/Pages/Encroachment-Agreements.aspx		Right of Way Unit Manager / State Utilities Manager	
28	Approve disposal at fair market value of real property acquired with Federal-aid assistance, including disposals of access control [23 CFR 710.403(e), 710.409]	FHWA	STATE	Chief Engineer's Office	Handled via the ROW Surplus and Control Disposal Committee	Surplus and Control of Access Process Guide.pdf (ncdot.gov)	23 CFR 710			Director of Highway Operations	
29	Approve disposal at less than fair market value of federally funded real property, including disposals of access control [23 U.S.C. 156]	FHWA	FHWA	Chief Engineer's Office	See the ROW Disposal and Access Control Committee bylaws for additional procedures and guidance	NCDOT ROW Disposal and Control of Access Committee bylaws and procedures	23 U.S.C. 156			Director of Highway Operations	

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30	Approve advertisement for bids based on a conditional ROW certification, unless it is not in the public interest to proceed. [23 CFR 635.309(c)(3)(i)]	STATE	STATE	Chief Engineer's Office	The NCDOT may undertake early acquisition for corridor preservation, access management, or other purposes. Acquisition costs incurred by the NCDOT prior to executing a project agreement with the FHWA are not eligible for Federal-aid reimbursement. However, such costs may become eligible for use as a credit towards the NCDOT share of a Federal-aid project.	ROW Field Certification	23 CFR 635.309		Division Let Guidance	Deputy Chief Engineer	DCE work with the 14 division offices
31	Approve physical construction under a contract or through force account work based on a conditional ROW certification, only if there are exceptional circumstances that make it in the public interest to proceed. [23 CFR 635.309(c)(3)(ii)]	FHWA	FHWA	Chief Engineer's Office	The acquisition or right of occupancy and use of a few remaining parcels is not complete, but all occupants of the residences on such parcels have had replacement housing made available to them in accordance with 49 CFR 24.204. Under these circumstances, the State may request the Federal Highway Administration (FHWA) to authorize actions based on a conditional certification. The State may request approval for physical construction under a contract or through force account work based on a conditional certification. The FHWA will approve the request only if FHWA finds there are exceptional circumstances that make it in the public interest to proceed with construction before acquisition activities are complete.	ROW Field Certification	23 CFR 635.309			Director of Field Support	
32	Approve Hardship and Protective Buying [23 CFR 710.503]	FHWA	FHWA	ROW	The NCDOT must accept and concur in a request for a hardship acquisition based on a property owner's written submission that 1) provides justification; 2) documents the inability to sell the property because of the impending project	ROW Manual	23 CFR 710.503			Right of Way Unit Manager	All Advanced Acquisition requests are approved by the Advanced Acquisition Review Committee and NC Board of Transportation in compliance with CFR 23
33	Requests for credits toward the non-Federal share of construction costs for early acquisitions, donations or other contributions applied to a project [23 U.S.C. 323, 23 CFR 710.507]	FHWA	FHWA	ROW	Should be Funds Management		23 CFR 710			Right of Way Unit Manager	
34	Federal land transfers [23 CFR 710(f)]	FHWA	FHWA	ROW		Manual for Federal Land Transfers for Federal-Aid Projects	23 CFR 710, Subpart F			Right of Way Unit Manager	
35	Functional replacement of property [23 CFR 710.509]	FHWA	FHWA	ROW		Document (ncleg.gov)				Right of Way Unit Manager	
36	Waiver of the policy of the availability of comparable replacement dwelling before displacement under specified circumstances [49 CFR 24.204(b)]	FHWA	FHWA	ROW	The Federal agency funding the project may grant a waiver of the policy where it is demonstrated that a person must move because of: A major disaster; A presidentially declared national emergency; or Another emergency which requires immediate vacation of the real property.	Right of Way Manual.pdf (ncdot.gov)				Right of Way Unit Manager	

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PS&E AND ADVERTISING											
37	Approve PS&E [23 CFR 635.309(a)]	STATE	STATE	Contract Standards / Division	Plans and specifications must describe the location and design features and the construction requirements in sufficient detail to allow for accurate bids, to facilitate the construction, and to enable the NCDOT to control the contract.	Division Let Guidance	23 CFR 630.201	CSDU POLICY AND PROCEDURES		State Contract Officer	
38	Approve utility or railroad force account work (23 CFR 140.916, 645.113, 646.216)	STATE	STATE	Utilities and Rail Division	FHWA Order 5060.1: FHWA Policy on Force Account Use		FHWA Policy on Agency Force Account Use			State Utilities Manager / Rail Division Director	
39	Approve utility and railroad agreements [23 CFR 140.916, 645.113, 646.216]	STATE	STATE	Utilities, Divisions, PMO	Per Rail, they process invoices and rquest for approval by Kevin Fischer or the RE. Not all RR agreements are through Rail. It is up to Rail to decide on the consultant to be used.					State Utilities Manager / Rail Division Director	
40	Approve use of consultants by utility and railroad companies [23 CFR 645.109(b), 646.216(b)]	STATE	STATE	Utilities and Rail Division	Utility and railroad facilities, unlike most other fixed objects that may be present within the highway environment, are not owned nor are their operations directly controlled by State or local highway agencies. Because of this, highway authorities have developed policies and practices which govern when and how utilities may use public highway right-of-way, and under what conditions public funds may be used to relocate utility facilities to accommodate highway					State Utilities Manager / Rail Division Director	
41	Approve exceptions to maximum railroad protective insurance limits [23 CFR 140.916,646.111]	STATE	STATE	Rail Division	This regulation is intended to prevent the NCDOT from being overcharged by a railroad for this insurance					Rail Division Director	
42	Approve use of guaranty and warranty clauses for projects other than design-build projects [23 CFR 635.413(b)]	STATE	STATE	Contract Standards and Development / Divisions	Per CFR: NCDOT may include warranty provisions in NHS construction contracts. All warranty requirements and subsequent revisions shall be submitted to the Division Administrator for advance approval.	Division Let Guidance				State Contract Officer	NEW
43	Recovery of railroad material - Approval of additional measures for restoration of areas affected by the removal of salvaged material for Railroad work (23 CFR 140.908)	STATE	STATE							Rail Division Director	NEW
44	Approve use of lump sum payments to reimburse railroad for work by its forces [23 CFR 646.216(d)(3)]	STATE	STATE							Rail Division Director	NEW
45	Waive Buy America provisions [23 CFR 635.410]	FHWA	FHWA	Divisions/Materials and Tests Unit	The waiver process occurs at the FHWA-HQ level, is time consuming, and may be denied		23 CFR 635.410	Construction Program Guide: Buy America		Director of Field Support	

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46	Training Special Provision – Approval of new project training programs [23 CFR 230.111(d), 230.000(e)]	FHWA	FHWA	Contract Standards and Development / Divisions	The State Transportation Agencies (STAs) are responsible for establishing procedures, subject to the availability of Surface Transportation Program and Highway Bridge Program funds under 23 U.S.C. §140(b) (Nondiscrimination), for the provision of supportive services with respect to training programs approved under 23 CFR 230, Subpart A (Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts – including Supportive Services)	EOCCP	23 CFR 230.111(d)			State Contract Officer	
NT AND AWARD All contracts to be done by competitive bidding unless otherwise authorized by law											
47	Approve cost-effectiveness determinations for construction work performed by contract awarded by other than competitive bidding or by force account (23 CFR 635.104, 635.204)	STATE	STATE	Contract Standards / Divisions	1. CSD handles Competitive Bidding 2. For non competitive bidding (i.e. emergencies) this is approved via the Chief Engineer and executed traditionally at the Division Level. Approval by the FHWA Division Administrator for construction by a method other than competitive bidding shall be requested by the State in accordance with subpart B of part 635 of this chapter. Before such finding is made, the DOT shall determine that the organization to undertake the work is so staffed and equipped as to perform such	Division Let Guidance	23 CFR 635.104	CSDU POLICY AND PROCEDURES		Deputy Chief Engineer / State Contract Officer	
48	Approve emergency determinations for construction work performed by contract awarded by other than competitive bidding or by force account (23 CFR 635.104, 635.204)	STATE	STATE	Chief Engineer	Approval by the Division Administrator for construction by a method other than competitive bidding shall be requested by the State in accordance with subpart B of part 635 of this chapter.		23 CFR 635.104(b)	GS 136.28.1(e)		Chief Engineer	
49	Subrecipient project administration - Approve arrangements for local agency to serve as the supervising agency for the project (23 CFR 635.105)	STATE	STATE	Divisions	If necessary due to an emergency or the state desires the use of Force Account as agreed in 11/7/12 memo from Chief Engineer.	Construction by State Forces on Federal Aid Projects.pdf (ncdot.gov)	23 CFR 635.204b and 204c			Chief Engineer	
50	Approve advertising period less than 3 weeks [23 CFR 635.112(b)]	STATE	STATE	Contract Standards / Divisions	The advertisement and approved plans and specifications shall be available to bidders a minimum of 3 weeks prior to opening of bids except that shorter periods may be approved by the Division Administrator in special cases when justified.	Division Let Guidance	23 CFR 635.112(b)	CSDU POLICY AND PROCEDURES		State Contract Officer	Note that in the last update, FHWA had to approve. Now have the option. Jennifer Evans Note - does this apply to emergency? if so declared events come through Chief's office does this need to be shared with Emily McGraw? RED NOTE: NEED TO ADD DIRECTION IN DIV GUIDANCE/IMPORTANT TO CLEARLY COMMUNICATE TO BIDDERS WHEN ADVERTISING FOR LESS THAN 3 WEEKS Terry - so should we say FHWA for the NHS? I am not sure if all NHS are funded with federal funds. The Div Let Guidance just says that projects with federal funding should go through FHWA approval.

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51	Approve addenda during advertising period [23 CFR 635.112(c)]	STATE	STATE	Contract Standards / Divisions	The State has authority per the stewardship and oversight agreement to issue any addenda to the approved plans or specifications during the advertising period.	Division Let Guidance	23 CFR 635.112c	CSDU POLICY AND PROCEDURES		State Contract Officer	
52	Concur in award of contract or rejection of all bids [23 CFR 635.114]	STATE	STATE	Contract Standards / Divisions	The State has authority per the stewardship and oversight agreement.	Division Let Guidance	23 CFR 635.114(b)	CSDU POLICY AND PROCEDURES		Chief Engineer / State Contract Officer	
53	Approval of design-build requests-for-proposals (RFP) and addenda for major changes to the RFP during solicitation period [23 CFR 635.112(i)(4)]	STATE	STATE	Design Build	In the case of a design-build project, the following requirements apply: (1) When a Request for Proposals document is issued after the NEPA process is complete, the FHWA Division Administrator's approval of the Request for Proposals document will constitute the FHWA's project authorization and the FHWA's approval of the STD's request to release the document	Design Build Guidance	23 CFR 635.112(i)(1)			Alternative Delivery Manager	
54	Approve award to the next low bidder	STATE	STATE	Contract Standards and Development / Divisions		Division Let Guidance				State Contract Officer	
CONSTRUCTION (Construction Phase)											
55	Approve changes and extra work [23 CFR 635.120]	STATE	STATE	Construction Unit / Divisions	The State will approve changes and extra work.	Construction Manual	23 CFR 635.120(a)			Director of Field Support / State Construction Engineer	
56	Approve contract time extensions [23 CFR 635.120, 635.121(b)]	STATE	STATE	Construction Unit / Divisions	The State is responsible for all time extension approvals.	Construction Manual	23 CFR 635.121			Director of Field Support / State Construction	
57	Concur in use of mandatory borrow/disposal sites [23 CFR 635.407]	STATE	STATE	Division	If Department requires the contractor to utilize specified site for waste or borrow, approval must be obtained from State Construction Engineer.	Construction Manual	23 CFR 635.407			Director of Field Support / State Construction Engineer	
58	Approval of administrative settlements and contract claim awards and settlements (23 CFR 140.505, 635.124)	STATE	STATE	Divisions/Construction Unit	The State must review and approve justification for claims	Construction Manual	23 CFR 635.124			Director of Field Support / State Construction Engineer	
59	Concur in termination of construction contracts [23 CFR 635.125(b)]	STATE	STATE	Chief Engineer	The State must determine the eligible cost to reimburse the contractor for lost opportunity	Construction Manual	23 CFR 635.125			Director of Field Support / State Construction Engineer	
CM/GC AND ID/IQ											
60	Approval of advertising for bids or proposals for a CM/GC construction services phase contract [23CFR 635.504(b)(6)]	FHWA	STATE	Alternative Delivery Unit			Guidelines for Awarding CM/GC Projects			Alternative Delivery Manager	NEW

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61	Determination of indirect cost rate for preconstruction services for a CM/GC project in accordance with [23 CFR 635.504(e)(2)]	FHWA	STATE	Alternative Delivery Unit / Division			Guidelines for Awarding CM/GC Projects			Alternative Delivery Manager	NEW
62	Approval of preconstruction price and cost/price analysis for preconstruction services for a CM/GC project [23 CFR 635.506(b)(2)]	FHWA	STATE	Alternative Delivery Unit / Division			Guidelines for Awarding CM/GC Projects			Alternative Delivery Manager	NEW
63	Approval of price estimate for construction costs for the entire project for CM/GC project [23 CFR 635.506(d)(2)]	FHWA	STATE	Alternative Delivery Unit / Division			Guidelines for Awarding CM/GC Projects			Alternative Delivery Manager	NEW
64	Approval of construction price analysis and agreed price for construction services of a CM/GC project or portion of the project [23 CFR 635.506(d)(4)]	FHWA	STATE	Alternative Delivery Unit / Division			Guidelines for Awarding CM/GC Projects			Alternative Delivery Manager	NEW
65	Approval of CM/GC project preconstruction services contract award [23 CFR 635.506(e)]	FHWA	STATE	Alternative Delivery Unit / Division			Guidelines for Awarding CM/GC Projects			Alternative Delivery Manager	NEW
66	Concur in advertising an ID/IQ solicitation prior to completion of NEPA [23 CFR 635.605(a)(2)]	STATE	STATE	Contract Standards and Development / Divisions	Division Responsible for Storing Documentation	Latest Division Let Guidance	Division Let Guidance			State Contract Officer	NEW; Coordinate with FHWA for concurrence
67	Concur in awarding an ID/IQ contract prior to completion of NEPA [23 CFR 635.605(a)(3)]	STATE	STATE	Contract Standards and Development / Divisions	Division Responsible for Storing Documentation	Latest Division Let Guidance	Division Let Guidance			State Contract Officer	NEW; Coordinate with FHWA for concurrence
68	Approve a time extension of an ID/IQ contract [23 CFR 635.604(a)(6)(i)]	STATE	STATE	Contract Standards and Development / Divisions	Division Responsible for Storing Documentation	Latest Division Let Guidance	Division Let Guidance			State Contract Officer	NEW; Coordinate with FHWA for concurrence